

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

Approved on June 7, 1976.

[SEAL] PETER F. COLE,
Secretary, Federal Crop
Insurance Corporation.

[FR Doc. 76-16876 Filed 6-9-76; 8:45 am]

[Amendment No. 77]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

WHEAT ENDORSEMENT—APPLICABLE ONLY IN NORTH DAKOTA

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1977 crop year in the following respect:

1. The following section is added:

§ 401.153 The wheat endorsement (ap- plicable only in North Dakota).

The provisions of this endorsement, which shall be applicable for the 1977 and succeeding crop years in those counties where the actuarial table so provides, are as follows:

1. *Insured crop.* The crop insured shall be wheat seeded for harvest as grain, as determined by the Corporation. Insurance shall not attach on acreage on which it is determined by the Corporation that wheat was seeded with flax or other small grains, vetch, Austrian winter peas, or dry edible peas. Insurance shall not attach to any acreage planted for the development of hybrid seed.

2. *Annual premium.* (a) There will be a reduction in the annual wheat premium for each insurance unit of 4 percent for the first full 200 acres of insured wheat acreage on the insurance unit (hereinafter called "unit") and an additional 2 percent reduction for each additional full 100 acres: *Provided, however,* That the total reduction shall not exceed 20 percent.

(b) Whether or not the insured is eligible for the reduction provided in section 6(b) of the policy, the insured's annual wheat premium may be reduced in lieu thereof for any year by not to exceed 50 percent if it is determined by the Corporation that the accumulated balance (expressed in bushels) of premiums over indemnities on consecutively insured wheat crops preceding the current crop year equals or exceeds his total production guarantee based on the amount per acre shown on the county actuarial table (hereinafter called "actuarial table").

3. *Production guarantee.* The production guarantee per acre shown on the actuarial table shall be increased by 1.5 bushels for any harvested acreage on which the amount harvested is 1.5 or more bushels per acre.

4. *Insurance period.* Insurance on any spring-seeded insurable wheat acreage shall attach at the time the wheat is seeded. Insurance on any fall-seeded insurable wheat acreage shall attach on the April 15 following seeding: *Provided,* That there is an adequate stand of wheat on such acreage on this date to produce a normal crop for the area as determined by the Corporation. Insurance shall cease upon threshing or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the wheat is normally harvested.

5. *Claims for loss.* (a) Any claim for loss shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss. The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each unit. The amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage of wheat on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result in (3) by the insured interest: *Provided,* That if for the unit the insured fails to report all of his insurable acreage or interest the amount of loss shall be determined with respect to all of his insurable acreage and interest, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted on any acreage of wheat (1) which, with the consent of the Corporation, is seeded in the current crop year, before harvest becomes general, to any other crop insurable in the county for the current crop year under the regulations of the Corporation, shall be 50 percent of the production guarantee for such acreage or the appraised production, whichever is greater; (2) which is unharvested or from which the production harvested is less than 1.5 bushels per acre shall be the appraised production and the harvested production in excess of 1.5 bushels per acre, except as to the acreage referred to in the following items (3) and (4); (3) which is abandoned or put to another use without prior written consent of the Corporation shall be the production guarantee provided for such acreage; or (4) which is damaged solely by an uninsured cause shall be not less than the production guarantee provided for such acreage.

(d) The total production to be counted shall include any harvested production from acreage initially seeded for purposes other than for harvest as grain as determined by the Corporation.

(e) In determining total production, volunteer small grains, volunteer Austrian winter peas, volunteer dry edible peas, and volunteer vetch growing with the seeded wheat crop and small grains seeded in the growing wheat crop on acreage on which the Corporation has not given its consent to be put to another use, shall be counted as wheat on a weight basis.

(f) Notwithstanding paragraph (c) of this section for determining production to be counted, the production to be counted of any threshed wheat which does not grade No. 3 or better, and, in addition, does not grade No. 5 or better on the basis of test weight only but otherwise grades No. 3 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period, and would not meet these grade requirements if properly handled, shall be adjusted by (1) dividing the value per bushel of the damaged wheat as determined by the Corporation, by the market price per bushel at the local market at the time the loss is adjusted for wheat grading No. 2, or if the damaged wheat has been sold, by dividing the value of the damaged wheat by the No. 2 price on the date of sale at the local market, and (2) by multiplying the result thus obtained by the number of bushels of such damaged wheat.

If the threshed wheat does grade No. 5 or better on the basis of test weight only, and otherwise grades No. 3 or better, and it is determined that the production contains a moisture content of 15 percent or more, such production shall be reduced 1.2 percent for each full percentage point in excess of 14 percent.

6. *Meaning of terms.* For purposes of insurance on wheat the term:

(a) "Harvest" means the mechanical severance from the land of matured wheat for threshing.

7. *Cancellation and termination for indebtedness dates.* For each year of the contract the cancellation date is the December 31 and the termination date for indebtedness is the April 15 immediately preceding the beginning of the crop year for which the cancellation or termination is to become effective.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

The foregoing amendment will establish regulations for insuring wheat crops only in North Dakota effective with the 1977 crop year, combining the offer of protection on spring-seeded and fall-seeded wheat. The principle differences from the standard wheat crop insurance endorsement applicable in all states except North Dakota are (a) the provision that insurance shall not attach on any acreage planted for the development of hybrid seed, (b) the provisions for the attachment of insurance on the two types of wheat grown in North Dakota, spring-seeded and fall-seeded, found in section 4 which will serve to eliminate any adverse selectivity, and (c) define the cancellation and the termination for indebtedness dates to accommodate both crops.

The rules herein do not fall within the criteria set forth in the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

It is desirable that the above amendment be made effective with the 1977 crop year, and notice of changes must be given to present insureds by June 15, 1976. It would therefore be impossible to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the

contractual provisions with respect to filing such changes in time to be effective for the 1977 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

Approved on June 7, 1976.

[SEAL] PETER F. COLE,
Secretary,
Federal Crop Insurance Corporation.
[FR Doc.76-16877 Filed 6-9-76; 8:45 am]

[Amendment No. 78]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPLICATION

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, § 401.103 of the Federal Crop Insurance Regulations, contained in 7 CFR Part 401, is amended, effective beginning with the 1977 crop year in the following respects:

§ 401.103 [Amended]

1. Section 401.103(a)(2), in the fifth and sixth lines thereof, is amended by striking out the words "North Dakota and" immediately following the word "in", and immediately before the words "South Dakota".

2. The portion of the table relating to "Closing Dates" following paragraph (a) of § 401.103 of this chapter under the heading "Wheat" is amended by striking out the portion reading as follows:

"North Dakota:
Adams, Bowman, Golden Valley, and Slope Counties; Do.; (Sept. 15)
All other North Dakota counties; Apr. 15".

and inserting in lieu thereof, the following:

"North Dakota; Apr. 15.
(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

The proposed amendment will make no substantive changes in the regulations except to make the closing date for all North Dakota counties April 15.

The rules herein do not fall within the criteria set forth by the Department of Agriculture's interim guidelines relating to the Inflationary Impact Statement required by the Office of Management and Budget Circular A-107.

Since the changes proposed above are not substantive in nature, the Board of Directors found that it would be unnecessary and contrary to the public interest to follow the procedure for notice

and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption.

Accordingly, said amendment was adopted by the Board of Directors on May 12, 1976.

Approved on June 7, 1976.

[SEAL] PETER F. COLE,
Secretary,
Federal Crop Insurance Corporation.
[FR Doc.76-16878 Filed 6-9-76; 8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 384]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period June 11-17, 1976. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.684 Navel Orange Regulation 384.

(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to

provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges continues reasonably firm. Prices f.o.b. averaged \$3.07 a carton on a reported sales volume of 636 carlots last week, compared with an average f.o.b. price of \$3.20 per carton and sales of 991 carlots a week earlier. Track and rolling supplies at 291 cars were down 112 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on June 8, 1976.

(b) Order. (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period June 11, 1976, through June 17, 1976, are hereby fixed as follows:

- (i) District 1: 500,000 cartons;
- (ii) District 2: Unlimited movement;
- (iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 9, 1976.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable
Division, Agricultural
Marketing Service.

[FR Doc.76-17144 Filed 6-9-76; 11:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.1]

PART 1831—OPERATING LOANS

Subpart A—Operating Loan Policies and Authorizations

MISCELLANEOUS AMENDMENTS

Section 1831.12 of Subpart A of Part 1831, Title 7, Code of Federal Regulations (37 FR 14858) is amended. Paragraphs (a)(2) and (6)(ii) are revised to include contract rights into the broadened definition of accounts; paragraph (a)(9) is amended by adding a sentence to point out the possible need for State Supplements to further explain the taking of a security interest in fixtures since the Uniform Commercial Code (UCC) provisions regarding fixtures was altered. These provisions are being published without notice of proposed rulemaking since Farmers Home Administration is merely allowing for compliance with the 1972 amendments to the UCC, and providing for these regulations to be suitable to those States which have adopted the Model UCC. For that reason, public notice and procedure thereon are unnecessary. Accordingly, the last sentence in § 1831.12(a)(2) and the last sentence in paragraph (a)(6)(ii) are revised; and paragraph (a)(9) is amended by adding a sentence to the end of this paragraph.

As revised and added, the last sentences in § 1831.12 (a)(2) and (6)(ii), and paragraph (a)(9) reads as follows:

§ 1831.12 Security policies.

(a) * * *

(2) *Crops grown under contract when title to the crop is held by the contractor.* * * * In UCC States, if an assignment on the crop income is taken, such assignment will constitute a security agreement on such income and the share lease, share agreement, or contract will be described specifically, or as "Contract Rights" or as "Contracts Rights in Crops" (or "Accounts" or "Accounts in Crops", if required by a State Supplement), and so forth, in paragraph 1(b) of the financing statement.

(6) * * *

(ii) * * * In UCC States, if an assignment on the livestock income is taken, such assignment will constitute a security agreement on such income and the share lease, share agreement, or contract will be described specifically, or as "Contract Rights" or as "Contract Rights in Livestock" (or "Accounts" or "Accounts in Livestock", if required by a State Supplement), and so forth, in paragraph 1(b) of the financing statement.

plement), and so forth, in paragraph 1 (b) of the financing statement.

(9) *Real estate.* * * * When determined necessary by the State Director and OGC, a State Supplement will be issued to further explain the taking of a security interest in fixtures.

(7 U.S.C. 1989; 42 U.S.C. 1480; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. These amendments are effective on June 10, 1976.

Dated: May 28, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-16880 Filed 6-9-76; 8:45 am]

[FmHA Instruction 441.3]

PART 1831—OPERATING LOANS

Subpart B—Operating Loan Processing

MISCELLANEOUS AMENDMENT

Section 1831.32(h) of Subpart B of Part 1831, Title 7, Code of Federal Regulations (37 FR 14858; as amended at 38 FR 14155) is amended to change the word "loan" to "advances planned." It is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER inasmuch as the change is administrative in nature and does not affect the public's interest.

The fourth sentence of § 1831.32(h) as revised, reads as follows:

§ 1831.32 Loan forms and routines.

(h) *Form FmHA 444-1, "Promissory Note."* * * * The first installment may not be less than the amount equal to interest on the advances planned from the estimated date of closing to January 1 of the next calendar year. * * *

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. These amendments are effective June 10, 1976.

Dated: May 28, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-16881 Filed 6-9-76; 8:45 am]

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies, Procedures, and Authorizations

MISCELLANEOUS REVISIONS

Various sections of Subpart A of Part 1832, Title 7, Code of Federal Regulations (40 FR 42321) are revised. Some of these revisions, including changes in Appendixes I and III, are editorial in nature, the other revisions are matters of internal agency procedures.

Therefore, it is unnecessary to publish notice of proposed rulemaking in the FEDERAL REGISTER.

As amended, various sections of Subpart A of Part 1832 and changes in Appendixes I and III read as follows:

1. In § 1832.3(x), the last two sentences are revised to change "USDA State Emergency Memorandum No. 54" to "USDA Emergency Operations Handbook (EOH)." Paragraph (z)(7) is added to this section to include "EOH" in the list of abbreviations, and paragraphs (z)(7) through (z)(19) are redesignated as (z)(8) through (z)(20) without change.

As amended, § 1832.3 (x) and (z) read as follows:

§ 1832.3 Definitions.

(x) *USDA Emergency Board.* * * * The SEB's and the CEB's natural disaster responsibilities are contained in "USDA EMERGENCY OPERATIONS HANDBOOK (EOH)." A copy of the EOH is available for inspection at any State Office or County Office of the FmHA or ASCS, and in the National Office of FmHA at 14th and Independence Avenue SW., Washington, DC 20250.

(z) *Abbreviations.* A list of abbreviations used in this regulation and their meaning are listed below.

(7) EOH—USDA Emergency Operations Handbook.

(8) FDAA—Federal Disaster Assistance Administration.

(20) United States Department of Agriculture.

2. In § 1832.9(b)(1) the first sentence is revised by deleting reference to "USDA State Emergency Memorandum No. 54;" paragraph (b)(2) is revised by changing the parenthetical reference to read "(in accordance with paragraphs 68 and 70 of the EOH);" paragraph (b)(3) is amended by adding subdivision "(iii) SEB members." As amended § 1832.9(b)(1), (2) and (3) read as follows:

§ 1832.9 Reporting natural disasters.

(b) *Action.* * * *

(1) The County Supervisor will report immediately to the CEB the occurrence of any natural disaster causing substantial property loss, damage, or injury, including severe production losses in his County Office area, regardless of whether EM loans will be needed. * * *

(2) The CEB will report the natural disaster (in accordance with paragraphs 68 and 70 of the EOH) to:

(3) * * *

(iii) SEB members.

3. Section 1832.10 is amended as follows:

a. Paragraph (b)(3) is revised to provide that the State Director will take the required actions upon notification from

the National Office; paragraph (b) (3) (i) and (b) (4) are revised to change reference to "USDA Emergency Memorandum No. 54" to "EOH."

b. A new paragraph (b) (5) is added to require County Supervisors to provide additional information as an attachment to Damage Assessment Reports (DAR).

c. Former paragraphs (b) (5) through (b) (8) are redesignated (b) (6) through (b) (9) and revised in part as follows:

i. Paragraph (b) (6) is revised to change "and recommendation" at the end of the first sentence and insert "or nonconcurrence;" at the end of the last sentence, "with the SEB recommendation" is deleted.

ii. Paragraph (b) (7) is revised to conform with changes made in processing Damaged Assessment Reports; paragraphs (b) (7) (i) and (iii) are revised for editorial purposes.

iii. Paragraph (b) (9) is revised to delete "Secretarial Disaster Designation Number."

iv. Paragraph (c) is revised to delete "and the CEB" from the second sentence; paragraph (c) (1) is revised to delete "State Director Authorization Number" from the first sentence; paragraph (c) (3) is revised to provide for the attachment to the DAR to be sent to the National Office and to change "CEB" to "an Indian Tribal Council."

As amended, § 1832.10 (b) and (c) read as follows:

§ 1832.10 Making EM loans available.

(b) Designation by the Secretary of Agriculture.

(3) Upon receiving his copy of the Governor's request or notification from the National Office the State Director will immediately take the following actions:

(i) Advise the SEB Chairman that a DAR is needed in accordance with the EOH for the requested county or counties. The State Director will request the SEB Chairman, to ask the CEB Chairman to invite the county governing body to participate in the CEB meeting. The SEB Chairman will ask the CEB Chairman to have his DAR in by a specific date.

(4) The CEB meets and prepares the DAR in accordance with the EOH. The county governing body of its appropriate representatives will be encouraged to attend the CEB meeting. The completed DAR will be sent to the SEB Chairman.

(5) When a DAR has been prepared by CEB and sent to the CEB, the County Supervisor will also provide the following additional information, to the State Director, as agreed upon by the CEB:

Attachment to DAR Dated: _____ 19____
State: _____ County: _____

Number of farms with production loss:

100 pct loss	-----
90 to 99 pct loss	-----
80 to 89 pct loss	-----
70 to 79 pct loss	-----
60 to 69 pct loss	-----
50 to 59 pct loss	-----
40 to 49 pct loss	-----
30 to 39 pct loss	-----
20 to 29 pct loss	-----
Less than 20 pct loss	-----

Number of farms with physical loss:

Major loss	-----
Minor loss	-----

County Supervisor

(6) The SEB Chairman shall edit each county DAR as necessary in cooperation with FmHA and other board members as appropriate and indicate the SEB concurrence or non-concurrence. The SEB Chairman will provide the FmHA State Director a copy of the completed DAR.

(7) When the State Director receives a copy of the completed DAR from the SEB Chairman, he will attach the additional information received from the County Supervisor in accordance with paragraph (b) (5) of this section, review each DAR with attachment and take one of the following actions:

(i) Refer the DAR to the National Office, Attention: Director, Emergency Loan Divisions, by letter, recommending the county for designation and providing his comments. These comments should indicate his views on the entire situation as it relates to the need for EM loans as a direct result of the natural disaster. If he has additional supporting information not contained in the DAR, he should present this information.

(iii) If EM loans are needed and not more than 25 farmers in a county have been affected, the State Director can authorize EM loans in accordance with paragraph (c) of this section.

(9) When a county is designated by the Secretary of Agriculture, the National Office will notify the State Director and the Director of the Finance Office. The notification will specify the type of disaster; the county or counties designated; the termination dates for receiving EM loan applications; the incidence period for the disaster; the SDDN (Example: A205); and the date loan activity reporting will commence. The Governor of the state and each Senator and Congressman representing the area involved will be notified simultaneously of the action taken.

(c) State Director Authorization. If the State Director finds in any county that the requirements of paragraph (b) (1) (i), (ii), and (iii) of this section are met, except that 25 or less farmers have been substantially affected by the natural disaster, EM loans may be authorized by

the State Director. The authority to make EM loans available by the State Director will only be exercised after the Governor, the county governing body or its authorized representative, or an Indian Tribal Council has made a formal written request for such action to the State Director and he has given prior notice to the National Office by telephone. This authorization may not be used to make EM loans available immediately in anticipation of a later designation by the Secretary of Agriculture based on the same natural disaster.

(1) The SDAN (Example: N186), termination dates for receiving EM loan applications, the date loan reporting will commence, and the incidence period for this disaster will be established by the National Office when the prior telephone notice is given.

(3) The State Director will send to the National Office a copy of his authorization letter written to the County Supervisor; the DAR and attachment; and the formal written request from the Governor, the county governing body or its authorized representative, or an Indian Tribal Council.

4. Section 1832.21 (a) and (b) are revised as follows: Paragraph (a) is revised to indicate that the prevailing market rates of interest are shown in Subpart A, Part 1810 of this Chapter, and that these rates are established by the Secretary of Agriculture, on July 1, and January 1 of each year; Paragraph (b) is revised to delete the last two sentences which are now added to Paragraph (a).

§ 1832.21 Rates and terms.

(a) Interest rates. The interest rates for EM loans for actual losses will be 5 percent. The interest rate for EM loans made under § 1832.20 (b) and (c) (2) (Subtitle B purposes), and made under § 1832.20(c) (1) (Subtitle A purposes), will be at an interest rate prevailing in the private market for similar loans, as determined by the Secretary of Agriculture. The prevailing market rates are specified in Subpart A of Part 1810 of this chapter. These interest rates, for other than actual losses, will be reviewed in June and December of each year with new interest rates established on July 1 and January 1 of each year by the Secretary. Interest on the initial advance will accrue from the date of the promissory note. Interest on other advances will accrue from the date of the loan check for each such advance.

(b) Terms of loans. EM loans will be scheduled for repayment in annual installments as set forth below, consistent with the applicant's reasonable ability to pay. This will be determined by his operations as reflected in his farm and home plan.

5. Appendix I is amended as follows: Paragraph III, A, and C, are revised to

change "USDA State Emergency Memorandum No. 54" to "USDA Emergency Operations Handbook (EOH)," wherever it appears; Paragraph III, D is revised for editorial purposes.

As revised, paragraphs III A, C, and D read as follows:

APPENDIX I

RELATIONSHIP BETWEEN FARMERS HOME ADMINISTRATION (FmHA) AND THE FEDERAL DISASTER ASSISTANCE ADMINISTRATION (FDAA)

III * * *

A. When a request is made by FDAA for information on losses and damages caused by a natural disaster, FDAA will be advised to contact the State Emergency Board (SEB) Chairman. USDA Emergency Handbook (EOH) provides that the SEB and County Emergency Board (CEB) will prepare the Department's "Damage Assessment Report." State Directors and County Supervisors should cooperate with SEB and CEB Chairmen in preparing the reports.

C. If a request is made by FDAA for FmHA employees to man FDAA's "Disaster Assistance Centers," it will be advised to contact the SEB Chairman. The EOH provides that the SEB Chairman shall select qualified U.S. Department of Agriculture (USDA) personnel to represent USDA at each center. State Directors should cooperate with the SEB Chairman in providing personnel for these Centers.

D. If FDAA requests State Directors for disaster lending activity reports, it will be advised that reports cannot be made more often than monthly as established by applicable FmHA regulations (FmHA Instruction 492.7). However, State Directors, as authorized by applicable FmHA regulations (paragraph III B 4 of FmHA Instruction 492.7), may authorize County Supervisors to report on Form FmHA 492-7, "Report of EM Loan Applications," more frequently than monthly, but not more often than weekly, providing they need such information in administering the EM loan program.

6. Appendix III is revised by adding a note at the end of this Appendix to indicate that the USDA Emergency Memorandum No. 54 has been replaced by the USDA Emergency Operations Handbook, as follows:

APPENDIX III

MEMORANDUM OF UNDERSTANDING AND COORDINATION BETWEEN THE AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (ASCS) AND THE FARMERS HOME ADMINISTRATION (FmHA) PERTAINING TO DISASTER TYPE ASSISTANCE

NOTE.—USDA Emergency Memorandum No. 54 which is referred to in paragraph II B of this Appendix has been replaced by the USDA Emergency Operations Handbook (EOH).

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

Effective date. This document shall be effective on June 10, 1976.

Dated: May 21, 1976.

FRANK B. ELLIOTT,
Administrator,

Farmers Home Administration.

[FR Doc.76-16882 Filed 6-9-76; 8:45 am]

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

[FmHA Instruction 462.1]

PART 1871—CHattel SECURITY

Subpart A—Servicing Chattel Security

MISCELLANEOUS AMENDMENT

Section 1871.4 of Subpart A of Part 1871, Title 7, Code of Federal Regulations (36 FR 1110) is amended. Paragraph (f) (1) (ii) is amended by revising the second sentence to indicate when to take an additional Security Agreement in order to comply with the 1972 version of the UCC. This amendment will, therefore, serve to point out the possible need to issue State Supplements. This amendment is hereby published without notice of proposed rulemaking because it merely recognizes change in State laws in those States which have adopted the Model UCC. For that reason, public notice and procedure thereon are unnecessary.

In § 1871.4, the second sentence in paragraph (f) (1) (ii) is revised to read as follows:

§ 1871.4 Keeping security instruments current and taking additional security.

(f) * * *

(1) * * *

(ii) *Security Agreements.* * * * A State Supplement will be issued when considered necessary by the State Director and OGC to further explain the situations requiring the taking of an additional Security Agreement. * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; Sec. 10 P.L. 93-357, 88 Stat. 392; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This amendment is effective on June 10, 1976.

Dated: May 28, 1976.

FRANK B. ELLIOTT,
Administrator,

Farmers Home Administration.

[FR Doc.76-16883 Filed 6-9-76; 8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER VIII—BUREAU OF ECONOMIC ANALYSIS, U.S. DEPARTMENT OF COMMERCE

PART 805—PRELIMINARY SURVEY OF INTERNATIONAL LEASING TRANSACTIONS IN 1975

Final Adoption

On April 20, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 16559). The public was given the opportunity to submit written comments, data, views, arguments, objections, or suggestions pertaining to the proposed survey regulations prior to their publication in final form. Comments were also solicited from interested parties by the Office of Management and Budget in July, 1975, pursuant to its authority under the Federal Reports Act (44 U.S.C. 3501 et seq.). All suggestions and comments received have been care-

fully considered and taken into account in the survey regulations published herein. The changes resulting from public suggestions and comments in these regulations are of a clarifying nature and include the following: (1) The filing date was extended to August 31, 1976. (2) The specification of the exemption from filing BE-811 was clarified to exempt a United States person otherwise required to report, if, at both the beginning and end of the reporting period, the sum of the aggregated original cost of the tangible property leased to unaffiliated foreigners and from unaffiliated foreigners worldwide was less than \$250,000. (3) The rules are adopted as final permanent regulations.

The survey will be taken pursuant to the authority of the Bretton Woods Agreements Act (22 U.S.C. 236f) and Executive Order 10033. The preliminary survey was approved by the National Advisory Council on International Monetary and Financial Policies on February 24, 1976, and by the Office of Management and Budget on March 16, 1976.

The following forms are to be used in the survey: BE-580 (Leasing of Tangible Property to or from Foreign Affiliate in 1975), BE-608 (Leasing of Tangible Property to or from Foreign Parent in 1975), BE-810 (Leasing of Reusable Cargo Containers to or from Foreign Residents in 1975), BE-811 (Leasing of Tangible Property to or from Unaffiliated Foreigners in 1975). The survey will collect data on a country-by-country basis and will measure the book value of property being leased, the change in book value, and the size of lease payments.

The preliminary survey will collect data for the year 1975. The survey is designed to measure the extent of international leasing transactions (excluding real estate) by direct investors, leasing companies, vessel owners, offshore drilling and service firms, banks and other financial institutions, and other persons, and their effect on the U.S. balance of payments. It also will provide the information necessary to determine whether any leasing transactions are being covered in existing reporting systems, although not separately identified as such, and whether separate data series should be constructed and included as a separate entry in the balance of payments accounts. Thus, if the results of the preliminary survey reflect a need to continue gathering data in this area, these regulations will be appropriately revised.

This part becomes effective on June 10, 1976.

Accordingly, Part 805 is promulgated as set forth below.

Sec.	Who must report.
805.1	General definitions.
805.2	Number of copies.
805.3	Estimates.
805.4	Filing date.
805.5	Special filing procedures.
805.6	

Sec.	
805.7	Where to send reports.
805.8	Confidentiality.
805.9	Penalty for refusal to file.
805.10	Information regarding preparation of reports.

AUTHORITY: 22 U.S.C. 286f and Executive Order 10033.

§ 805.1 Who must report.

(a) *United States person who engaged in leasing transactions with its foreign affiliates.* One Form BE-580 (Leasing of Tangible Property to or from Foreign Affiliate in 1975) must be filed by a U.S. person for each foreign affiliate for which it filed a Form BE-577, BE-577A, BE-578, BE-578B, or BE-578I in 1975, and with which affiliate it engaged in lease transactions. Foreign affiliates should be consolidated as reported on Form BE-577, BE-578, BE-578B, or BE-578I for 1975.

(b) *United States person who engaged in leasing transactions with its foreign parent or a foreign affiliate of its foreign parent.* One Form BE-608 (Leasing of Tangible Property to or from Foreign Parent in 1975) must be filed by a U.S. person for each foreign parent or foreign affiliate of a foreign parent for which the U.S. person filed a Form BE-605, BE-606, BE-606B, or BE-606I in 1975, and with which the U.S. person had leasing transactions. The same consolidation of U.S. business enterprises should be used on this form as used on the corresponding BE-605, BE-606, BE-606B, or BE-606I for 1975.

(c) *United States person, not a carrier, who leases or who manufactures and sells reusable cargo containers to foreigners.* The above person must file a report on Form BE-810 (Leasing of Reusable Cargo Containers to or from Foreign Residents in 1975). A U.S. person otherwise required to report is exempt from filing a report on Form BE-810 if the sum of both lease receipts and payments for the reporting period is less than \$50,000.

(d) *United States person who engaged in leasing transactions with unaffiliated foreigners.* The above must file a report on Form BE-811 (Leasing of Tangible Property to or from Unaffiliated Foreigners in 1975). One Form BE-811 is to be filed for each country with which the U.S. person conducted leasing transactions. A consolidated report may be filed covering all transactions with more than one unaffiliated foreigner within a country. A United States person otherwise required to report is exempt from filing Form BE-811 if, at both the beginning and end of the reporting period, the sum of the aggregated original cost of the tangible property leased to unaffiliated foreigners and the tangible property leased from unaffiliated foreigners worldwide was less than \$250,000.

(e) *United States carriers leasing ships or reusable cargo containers to or from foreigners should report on BE-30 (Ocean Freight Revenue and Expenses—United States Carriers) or BE-37 (American Airline Operators Foreign Revenues and Expenses).*

§ 805.2 General definitions.

For the purpose of these reports, the following definitions are prescribed:

(a) *United States.* United States shall mean the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) *Foreign.* Foreign shall mean that which is situated outside the United States: belonging to, characteristic of, or under the jurisdiction of a country or political entity other than the United States.

(c) *U.S. Person.* A U.S. person shall mean an individual, a government, a corporation, a branch, a partnership, an associated group, a joint stock company, a trust, an estate, or other entity under the jurisdiction of the United States and residing in the United States, including its territories and possessions.

(d) *Associated Group.* An associated group shall mean two or more U.S. persons who, by the appearance of their actions, by agreement, or by understanding, exercise their voting privileges in a concerted manner to influence the management of a foreign business enterprise. The following are deemed to be associated groups:

- (1) Members of the same family.
- (2) A business enterprise and one or more of its officers or directors.
- (3) Members of a syndicate or joint venture.
- (4) A corporation and its domestic subsidiaries.

(e) *Reporter.* A U.S. reporter shall mean a U.S. person from whom a report is required. If the U.S. person is an enterprise that is not identifiable by name, the report may be filed on behalf of the U.S. person by an agent or representative or by the beneficial owner.

(f) *Foreign Person.* Foreign person shall mean any person, including U.S. persons, residing outside the United States. A person shall include an individual, partnership, association, corporation, estate, trust, or other entity created or organized under the laws of a foreign country.

(g) *Foreign Parent.* A foreign parent shall mean any foreign person directly and/or indirectly owning 10 percent or more of the voting securities of a U.S. corporation or of other ownership equities in other types of U.S. organizations. In some cases there may be more than one parent. (If the amounts being reported are for transactions or accounts of the U.S. reporter with a person who is not the equity owner but who is acting for the equity owner—for example, with the home office of a bank or an insurance company which itself is not the equity owner—that person shall be considered the foreign parent for purposes of the report.)

(h) *Foreign Affiliate.* A foreign affiliate shall mean any incorporated foreign business enterprise in which a U.S. person owns, directly and/or indirectly, 10 percent or more of the voting securities, or any unincorporated foreign business enterprise in which the U.S. person owns,

directly and/or indirectly, an equivalent interest.

(i) *Affiliated Foreigner.* An affiliated foreigner shall mean either a foreign affiliate of a U.S. person or a foreign parent (including foreign affiliates of the foreign parent) of a U.S. person.

(j) *Unaffiliated Foreigner.* An unaffiliated foreigner shall mean any foreigner who is neither a foreign affiliate of a U.S. person nor a foreign parent (including foreign affiliates of the foreign parent) of a U.S. person.

(k) *Carrier.* Carrier shall mean the owner of a vessel or the operator of a chartered or subchartered vessel, who enters into and carries out any form of transportation contract with the shippers of merchandise.

(l) *Lease.* Lease shall mean a contract by which one person gives another person the use and possession of tangible property (other than real estate) for a specified time in return for agreed-upon payments.

(1) *Financial Lease* shall mean a long-term lease under which a sale of the property is recognized at the inception of the lease (these may be shown as lease contracts or accounts receivable on the lessor's books). Total lease payments made pursuant to the lease agreement consist of payments of principal (return of capital), which relate to the value of the leased tangible property, and interest.

(2) *Operational Lease* shall mean a lease with a term which is less than the useful life of the property. Total lease payments pursuant to the lease agreement may be viewed as consisting of depreciation (return of capital) of the leased tangible property and net rent.

NOTE: In determining whether a lease is financial or operational, reporters should use the same criteria applied in recording the lease on their books.

(m) *Net Book Value.* Net Book Value shall mean, under an operational lease, the original cost less the accumulated depreciation of the leased tangible property, or, under a financial lease, the amount of principal payments remaining due at any given time for the leased tangible property under the lease contract.

§ 805.3 Number of copies.

A single original copy of each form shall be filed with the Bureau of Economic Analysis.

§ 805.4 Estimates.

Every question on a form which a reporter is required to file must be answered. If the information is not available as specified on the form, a reasonable estimate should be entered and labeled as such. If there is no basis for such an estimate, state, "unknown" with an appropriate explanation.

§ 805.5 Filing date.

Forms shall be filed on or before August 31, 1976, or no later than 60 days after publication of final regulations in the FEDERAL REGISTER, whichever date is later. If additional time is required

for completion, extensions may be arranged through written application to the Balance of Payments Division BE-58(L), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230.

§ 805.6 Special filing procedures.

When data specified on a report form are not available to the reporter, or when consolidation beyond that specifically provided for above would reduce reporting burden without loss of significant information, the reporter may apply in writing to the Balance of Payments Division BE-58(L), Bureau of Economic Analysis, Department of Commerce, Washington, D.C. 20230, for consideration of the specific problem.

§ 805.7 Where to send reports.

All reports shall be sent to the Balance of Payments Division BE-58(L), Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230.

§ 805.8 Confidentiality.

(a) All reports will be held in strict confidence pursuant to the provisions of the Bretton Woods Agreements Act (22 U.S.C. 286f).

(b) The public's attention is invited to 22 U.S.C. 286f(c) which provides for a fine and/or imprisonment for the unlawful disclosure by an officer or employee of the Government of any information obtained under the Bretton Woods Agreements Act.

§ 805.9 Penalty for refusal to file.

The public's attention is invited to 22 U.S.C. 286f(b) which provides subpoena power to the Government to compel the production of data and enforcement of that power through contempt proceedings in a U.S. district court.

§ 805.10 Information regarding preparation of reports.

Anyone desiring information concerning these reports, or copies of forms, may apply directly to the Bureau of Economic Analysis BE-58(L) U.S. Department of Commerce, Washington, D.C. 20230. Each reporting form contains the specific instructions needed for completion.

Dated: June 2, 1976.

GEORGE A. JASZI,
Director, Bureau
of Economic Analysis.

[FR Doc.76-16873 Filed 6-9-76; 8:45 am]

CHAPTER IX—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER A—GENERAL REGULATIONS

PART 908—MAINTAINING RECORDS AND SUBMITTING REPORTS ON WEATHER MODIFICATION ACTIVITIES

In a notice published in the FEDERAL REGISTER of February 24, 1976 (41 FR 8064), the Administrator of the National Oceanic and Atmospheric Administration

proposed to amend the rules on maintaining records and submitting reports on weather modification activities (37 FR 22974 and 39 FR 1832). Interested persons were given until March 25, 1976 to submit written views, objections, recommendations, or suggestions in connection with the proposed amendments. The few comments received in response to the notice have been considered in detail, and, as a result, some revisions have been made in these amendments.

The first revision covers § 908.3(d), the amendment that allows the Administrator to waive some requirements in the reporting of certain weather modification attempts. This amendment has been clarified to provide specifically that all weather modification activities are to be reported to NOAA, that the Administrator may decide to waive some subsequent reporting requirements for certain activities after initial notification, and that the basis for such decision will be the general acceptability, from a technical or scientific viewpoint, of the apparatus and techniques to be used.

The second revision concerns the period for filing interim and final reports. Sections 908.5(a) and 908.6 now provide for such reports to be filed within 45 days, since some respondents stated that they would encounter difficulty in meeting a 30 day requirement.

The final revision is in § 908.5(a), with respect to the effective closing date for the interim report, period. In reconsidering this amendment, NOAA has decided to adopt January 1 as the closing date for the interim report in order to avoid ambiguity and to prepare summary reports that more accurately reflect the status of weather modification activities during a calendar year.

The original rules on maintaining records and submitting reports on weather modification activities were published in the FEDERAL REGISTER (37 FR 22974). These rules were subsequently amended (39 FR 1832). For completeness, the revisions mentioned above and the remainder of the amendments now being effected are summarized as follows:

1. Section 908.1(k) and (l) have been added to define sponsor and operator.
2. The last sentence in § 908.3(c) has been restated.
3. Section 908.3 (d) and (e) have been added.
4. Section 908.4(a) has been revised.
5. Section 908.5(a) has been changed.
6. Section 908.5(b) (2) has been reworded.
7. Section 908.6 has been changed.
8. Section 908.6(c) has been changed.
9. Section 908.8(a) (1) (viii) has been reworded.
10. Section 908.8(a) (2) has been reworded.

The purpose of these rules is to provide for the reporting to the Administrator of the National Oceanic and Atmospheric Administration, U.S. Department of Commerce, of weather modification activities taking place within the United States, pursuant to the require-

ments of Pub. Law 92-205 as amended. The Secretary of Commerce (and by delegation the Administrator) is charged under the above law with the responsibility to assemble and retain records of such weather modification activities, to make these records publicly available to the fullest extent practicable, and to publish summaries thereof from time to time. The intent of this program is that expertise in the field of weather modification will be increased; that scientists and other concerned persons will have access to information about past and ongoing efforts toward weather modification; that concerned persons can determine whether their activities will be necessary or duplicative, can check both desirable and undesirable atmospheric changes against records of weather modification, and can be alert to possible territorial overlappings of weather modification operations. In addition, this reporting program provides information on the possibility of harm to persons, property, or the environment, or of interference with Federal research projects.

Appropriate Federal agencies also report their weather modification activities to the Secretary of Commerce. This Federal reporting complements the reporting of non-Federally sponsored projects and provides for a central source of information on all weather modification activities in the United States.

The actions of the Department of Commerce under these rules are not intended as, nor do they constitute, control or regulation of weather modification operations. Any notification that may be made to operators and State officials on the basis of information received will be advisory only.

Therefore, pursuant to the authority contained in 15 U.S.C. 330-330e and 15 U.S.C. 313, the National Oceanic and Atmospheric Administration (NOAA) has amended Title 15, Code of Federal Regulations by the addition of Part 908. These rules are administered by the Administrator, National Oceanic and Atmospheric Administration, on behalf of the Secretary of Commerce, pursuant to the Secretary's delegation of authority in section 3, subparagraph .01t of U.S. Department of Commerce Organization Order 25-5A. The current rules, including all amendments, are republished below in their entirety.

ROBERT M. WHITE,
Administrator.

JUNE 4, 1976.

Part 908 reads as follows:

Sec.	
908.1	Definitions.
908.2	Persons subject to reporting.
908.3	Activities subject to reporting.
908.4	Initial report.
908.5	Interim reports.
908.6	Final report.
908.7	Supplemental reports.
908.8	Maintenance of records.
908.9	Retention of records.

- Sec.
908.10 Penalties.
908.11 Maintenance of records of related activities.
908.12 Public disclosure of information.
908.13 Address of letters.
908.14 Business to be transacted in writing.
908.15 Times for taking action: expiration on Saturday, Sunday, or holiday.
908.16 Signature.
908.17 Suspension or waiver of rules.
908.18 Matters not specifically provided for in rules.
908.19 Publication of notice of proposed amendments.
908.20 Effective date.
908.21 Report form.

AUTHORITY: Pub. L. 92-305, 85 Stat. 735, December 18, 1971.

§ 908.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

(a) **Administrator.** The Administrator of the National Oceanic and Atmospheric Administration.

(b) **Person.** Any individual, corporation, company, association, firm, partnership, society, joint stock company, any State or local government or any agency thereof, or any other organization, whether commercial or nonprofit, except where acting solely as an employee, agent, or independent contractor of the Federal Government.

(c) **Weather modification activity.** Any activity performed with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere.

(d) **United States.** The several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or insular possession of the United States.

(e) **Persons whose activities relate to weather modification.** Persons engaged in weather modification activities or engaged in the distribution or sale of weather modification apparatus or materials known by them to be destined for use in weather modification activities.

(f) **Project.** A related series of weather modification activities having a common objective.

(g) **Modification mission.** One or more airborne weather modification activities intended to affect the same target area, or one or more weather modification activities carried out by items of ground-based weather modification apparatus intended to affect the same target area. For purposes of these rules, activities that extend beyond 1 calendar day shall constitute a separate mission for each day that they continue.

(h) **Target area.** The ground area within which the effects of the weather modification activity are expected to be found.

(i) **Control area.** A preselected, untreated ground area used for comparison with a target area.

(j) **Weather modification apparatus.**

Any apparatus used with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere. For example: Seeding generators, propane devices, flares, rockets, artillery projectiles, jet engines, etc.

(k) **Sponsor.** The primary person for whom the weather modification activity is performed.

(l) **Operator.** The person who is primarily responsible for carrying out the weather modification activity.

§ 908.2 Persons subject to reporting.

Any person engaged or intending to engage in any weather modification activity in the United States shall be subject to the reporting provisions of this part.

§ 908.3 Activities subject to reporting.

(a) The following, when conducted as weather modification activities, shall be subject to reporting:

(1) Seeding or dispersing of any substance into clouds or fog, to alter drop size distribution, produce ice crystals or coagulation of droplets, alter the development of hail or lightning, or influence in any way the natural development cycle of clouds or their environment;

(2) Using fires or heat sources to influence convective circulation or to evaporate fog;

(3) Modifying the solar radiation exchange of the earth or clouds, through the release of gases, dusts, liquids, or aerosols into the atmosphere;

(4) Modifying the characteristics of land or water surfaces by dusting or treating with powders, liquid sprays, dyes, or other materials;

(5) Releasing electrically charged or radioactive particles, or ions, into the atmosphere;

(6) Applying shock waves, sonic energy sources, or other explosive or acoustic sources to the atmosphere;

(7) Using aircraft propeller downwash, jet wash, or other sources of artificial wind generation; or

(8) Using lasers or other sources of electromagnetic radiation.

(b) In addition to the activities listed above, other similar activities falling within the definition of weather modification as set forth in § 908.1 are also subject to reporting.

(c) The requirement for reporting shall not apply to activities of a purely local nature that can reasonably be expected not to modify the weather outside of the area of operation. This exception is presently restricted to the use of lightning deflection or static discharge devices in aircraft, boats, or buildings, and to the use of small heat sources, fans, fogging devices, aircraft downwash, or sprays to prevent the occurrence of frost in tracts or fields planted with crops susceptible to frost or freeze damage. Also expected from the requirement for reporting are religious activities or other ceremonies,

rites and rituals intended to modify the weather.

(d) All activities noted in §§ 908.3(a) and (b) are subject to initial reporting. However, after the Administrator has received initial notification of a planned activity, he may waive some of the subsequent reporting requirements. This decision to waive certain reporting requirements will be based on the general acceptability, from a technical or scientific viewpoint, of the apparatus and techniques to be used.

(e) Other reporting exceptions may be made in the future by rule of the Administrator.

§ 908.4 Initial report.

(a) Any person intending to engage in any weather modification project or activity in the United States shall provide a report of his intention, to be received by the Administrator at least 10 days before the commencement of such project or activity. This report shall contain at least the following:

(1) The designation, if any, used by the operator for the project or activity;

(2) The following dates for weather modification activities:

(i) The date the first actual weather modification activity is to be undertaken;

(ii) The date on which the final modification activity is expected to occur;

(3) The following information on persons involved with the project or activity:

(i) The name, affiliation, and address of the sponsor;

(ii) The name, affiliation, and address of the operator;

(4) The purpose of the project or activity;

(5) A map showing the approximate size and location of the target and control areas, and the location of each item of ground-based weather modification apparatus, precipitation measuring device, and, for airborne operations, the airport;

(6) A description of the weather modification apparatus, modification agents, and the techniques to be employed;

(7) The name and address of the responsible individual from whom log books or other records of the project or activity may be obtained;

(8) Answers to the following questions on project safeguards:

(i) Has an Environmental Impact Statement, Federal or State, been filed: Yes ---- No ---- If Yes, please furnish a copy as applicable.

(ii) Have provisions been made to acquire the latest forecasts, advisories, warnings, etc. of the National Weather Service, Forest Service, or others when issued prior to and during operations? Yes ---- No ---- If Yes, please specify on a separate sheet.

(iii) Have any safety procedures (operational constraints, provisions for suspension of operations, monitoring meth-

ods, etc.) and any environmental guidelines (related to the possible effects of the operations) been included in the operational plans? Yes ____ No ____ If Yes, please furnish copies or a description of the specific procedures and guidelines; and

(9) Optional remarks, to include any additional items which the person deems significant or of interest and such other information as the Administrator may request the person to submit.

(b) If circumstances prevent the signing of a contract or agreement to perform, or receipt of an authorization to proceed with, a weather modification activity at a date early enough to comply with paragraph (a) of this section, the initial report shall be provided so as to be received by the Administrator within 10 days of the date of signing of the contract or agreement, or receipt of authorization to proceed. In such cases, the report shall be accompanied by an explanation as to why it was not submitted at least 10 days prior to the commencement of the activity.

(c) In the event that circumstances beyond the control of the person liable to report under these regulations prevent the submission of the initial report in a timely manner as described above, the report shall be forwarded as early as possible, accompanied by an explanation as to why a timely report has not been provided. If such explanation is deemed adequate, the Administrator will consider the report as timely filed.

§ 908.5 Interim reports.

(a) Any person engaged in a weather modification project or activity in the United States on January 1 in any year shall submit to the Administrator, not later than 45 days thereafter, an interim report setting forth as of such date the information required below with respect to any such continuing project or activity not previously furnished to the Administrator in a prior interim report; provided that the January 1 date shall not apply if other arrangements have previously been made with the written approval of the Administrator.

(b) The interim report shall include the file number assigned by the Administrator and shall provide a summary of the project or activity containing at least the following information for each month:

(1) Number of days on which actual modification activities took place;

(2) Number of days on which weather modification activities were conducted, segregated by each of the major purposes of the activities;

(3) Number of modification missions that were carried out;

(4) Total number of hours of operation of each type of weather modification apparatus (i.e., net hours of agent release);

(5) Total amount of agent used. If more than one agent was used, each should be totaled separately (e.g., carbon dioxide, sodium chloride, urea, silver iodide).

(c) The totals for the items in paragraph (b) of this section shall be provided for the period covered by the interim report.

§ 908.6 Final report.

Upon completion of a weather modification project or activity the person who performed the same shall submit a report to the Administrator not later than 45 days after completion of the project or activity. The report shall include the file number assigned by the Administrator and the following items:

(a) Information required for the interim reports (to the extent not previously reported).

(b) The total number of days on which actual modification activities took place during the project or activity.

(c) The total number of days during the project or activity on which weather modification activities were conducted, segregated by each of the major purposes of the activities.

(d) The total number of modification missions that were carried out under the project or activity.

(e) The total number of hours of operation of each type of weather modification apparatus during the project or activity (i.e., net hours of agent release).

(f) The total amount of modification agent(s) dispensed during the project or activity. If more than one agent was used, each should be totaled separately (e.g., carbon dioxide, sodium chloride, urea, silver iodide).

(g) The date on which the final weather modification activity occurred.

§ 908.7 Supplemental reports.

Notwithstanding other regulations, a supplemental report in letter form referring to the appropriate NOAA file number, if assigned, must be made to the Administrator immediately if any report of weather modification activities submitted under § 908.4, § 908.5, or § 908.6 is found to contain any material inaccuracies, misstatements, and omissions. A supplemental report must also be made if there are changes in plans for the project or activity.

§ 908.8 Maintenance of records.

(a) Any person engaging in a weather modification activity in the United States shall maintain a record of such activity. This record shall contain at least the following, when applicable:

(1) A chronological record of activities carried on, preferably in the form of a daily log, which shall include the NOAA file number assigned to the project, the designation of each unit of weather modification apparatus, and at least the following information for each unit:

(i) Date of the weather modification activity.

(ii) Position of each aircraft or location of each item of weather modification apparatus during each modification mission. Maps may be used.

(iii) Time when weather modification activity began and ended.

(iv) Total duration of operation of each unit of weather modification apparatus (i.e., net hours of agent release).

(v) Type of each modification agent used.

(vi) Rate of dispersal of each agent during the period of actual operation of weather modification apparatus.

(vii) Total amount of agent used. If more than one agent was used, report total for each type separately.

(viii) Number of days on which weather modification activities were conducted, segregated by each of the major purposes of the activities.

(2) The monthly totals of hours of modification activity, the amount of modification agent used, and the number of days on which weather modification activities were conducted, segregated by each of the major purposes of the activities, shall be shown on the daily log sheet for the last day of each month.

(b) When the activity involves ground-based weather modification apparatus, records of the following shall also be maintained, when applicable, but need not be made part of the daily log:

(1) The location of each item of weather modification apparatus in use and its identification such as type and manufacturer's model number. If the apparatus is not commercially available, a brief description of the apparatus and the method of operation should be recorded.

(2) The name and address of the person responsible for operating each weather modification apparatus;

(3) The altitude and type of weather phenomenon subjected to weather modification activity during each operational period (e.g., cumulus clouds between 10,000 and 30,000 feet m.s.l.; ground fog).

(c) When the activity involves airborne weather modification apparatus, records of the following shall also be maintained, when applicable, but need not be made a part of the daily log: For each airborne weather modification apparatus run: altitude, air speed; release points of modification agents; method of modification and characteristics of flares, rockets, or other delivery systems employed; temperature at release altitude; and, for aircraft: the type of aircraft, its identification number, the airport or airports used, and the names and addresses of crew members and the person responsible for operating the weather modification apparatus; and the altitude and type of weather phenomenon subjected to weather modification activity during each operational period (e.g., cumulus clouds between 10,000 and 30,000 feet m.s.l.; ground fog).

(d) The following records shall also be maintained, whenever applicable, but need not be made a part of the daily log. Only data specifically collected for the reported activity need be retained; data available from other sources need not be included.

(1) Any descriptions that were recorded of meteorological conditions in target and control areas during the periods of operation; for example: percent of cloud cover, temperature, humidity, the presence of lightning, hail, funnel clouds, heavy rain or snow, and unusual radar patterns.

(2) All measurements made of precipitation in target and control areas.

(3) Any unusual results.

§ 908.9 Retention of records.

Records required under § 908.8 shall be retained and available for inspection by the Administrator or his designated representatives for 5 years after completion of the activity to which they relate. Such records shall be required to be produced for inspection only at the place where normally kept. The Administrator shall have the right to make copies of such records, if he deems necessary.

§ 908.10 Penalties.

Knowing and willful violation of any rule adopted under the authority of section 2 of Pub. L. 92-205 shall subject the person violating such rule to a fine of not more than \$10,000, upon conviction thereof.

§ 908.11 Maintenance of records of related activities.

(a) Persons whose activities relate to weather modification activities, other than persons engaged in weather modification activities, shall maintain records concerning the identities of purchasers or users of weather modification apparatus or materials, the quantities or numbers of items purchased, and the times of such purchases. Such information shall be retained for at least 5 years.

(b) In addition, persons whose activities relate to weather modification shall be required, under the authority of section 4 of Pub. L. 92-205, to provide the Administrator, on his request, with information he deems necessary to carry out the purposes of this act.

§ 908.12 Public disclosure of information.

(a) Any records or other information obtained by the Administrator under these rules or otherwise under the authority of Pub. L. 92-205 shall be made publicly available to the fullest practicable extent. Such records or information may be inspected on written request to the Administrator. However, the Administrator will not disclose any information referred to in section 1905 of title 18, United States Code, and that is otherwise unavailable to the public, except that such information shall be disclosed—

(1) To other Federal Government departments, agencies, and officials for official use upon request;

(2) In any judicial proceeding under a court order formulated to preserve the confidentiality of such information without impairing the proceeding; and

(3) To the public, if necessary to protect their health and safety.

(b) Certified copies of such reports and information, to the extent publicly disclosable, may be obtained from the Administrator at cost in accordance with the Department of Commerce implementation of the Freedom of Information Act.

(c) Persons reporting on weather modification projects or related activities

shall specifically identify all information that they consider not to be subject to public disclosure under the terms of Pub. L. 92-205 and provide reasons in support thereof. A determination as to whether or not reported information is subject to public dissemination shall be made by the Administrator.

(d) When consideration of a weather modification activity report and related information indicates that a proposed project may significantly depart from the practices or procedures generally employed in similar circumstances to avoid danger to persons, property, or the environment, or indicates that success of Federal research projects may be adversely affected if the proposed project is carried out as described, the Administrator will notify the operator(s) and State officials of such possibility and make recommendations where appropriate. The purpose of such notification shall be to inform those notified of existing practices and procedures or Federal research projects known to NOAA. Notification or recommendation, or failure to notify or recommend, shall not be construed as approval or disapproval of a proposed project or as an indication that, if carried out as proposed or recommended it may, in any way, protect or endanger persons, property, or the environment or affect the success of any Federal research project. Any advisory notification issued by the Administrator shall be available to the public and be included in the pertinent activity report file.

§ 908.13 Address of letters.

Letters and other communications intended for the Administrator, in connection with weather modification reporting or activities, shall be addressed to: The Administrator, National Oceanic and Atmospheric Administration, Environmental Modification Office, Rockville, Md. 20852.

§ 908.14 Business to be transacted in writing.

All business transacted with the National Oceanic and Atmospheric Administration with regard to reports of weather modification activities should be transacted in writing. Actions of the National Oceanic and Atmospheric Administration will be based exclusively on the written record.

§ 908.15 Times for taking action; expiration on Saturday, Sunday, or holiday.

Whenever periods of time are specified in these rules in days, calendar days are intended. When the day, or the last day, fixed under these rules for taking any action falls on a Saturday, Sunday, or on a Federal holiday, the action may be taken on the next succeeding day which is not a Saturday, Sunday, or Federal holiday.

§ 908.16 Signature.

All reports filed with the National Oceanic and Atmospheric Administration

must be dated and signed by or on behalf of the person conducting or intending to conduct the weather modification activities referred to therein by such person, individually or, in the case of a person other than an individual, by a partner, officer, or other person having corresponding functions and authority. For this purpose "officer" means a president, vice president, treasurer, secretary, or comptroller. Notwithstanding the foregoing, such reports may also be signed by the duly authorized agent or attorney of the person whose activities are being reported. Proof of such authorization shall be furnished to the Administrator when filing a report, unless previously furnished.

§ 908.17 Suspension or waiver of rules.

In an extraordinary situation, any requirement of these rules may be suspended or waived by the Administrator on request of the interested party, to the extent such waiver is consistent with the provisions of Pub. L. 92-205 and subject to such other requirements as may be imposed.

§ 908.18 Matters not specifically provided for in rules.

All matters not specifically provided for or situations not specifically addressed in these rules will be decided in accordance with the merits of each case by or under the authority of the Administrator, and such decision will be communicated in writing to all parties involved in the case.

§ 908.19 Publication of notice of proposed amendments.

Whenever required by law, and in other cases whenever practicable, notice of proposed amendments to these rules will be published in the FEDERAL REGISTER. If not published with the notice, copies of the text of proposed amendments will be furnished to any person requesting the same. All comments, suggestions, and briefs received within the time specified in the notice will be considered before adoption of the proposed amendments, which may be modified in the light thereof. Informal hearings may be held at the discretion of the Administrator.

§ 908.20 Effective date.

These rules are effective on June 10, 1976.

§ 908.21 Report form.

Pub. L. 92-205 and these rules should be studied carefully prior to reporting. Reports required by these rules shall be submitted on forms obtainable on request from the Administrator, or on an equivalent format. In special situations, such alterations to the forms as the circumstances thereto may render necessary may be made, provided they do not depart from the requirements of these rules or of Pub. L. 92-205.

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